

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL Nos.6593-6594 OF 2008
(Arising out of S.L.P. (C) Nos.22838-22839 of 2007)

V.K. Mehta

...Appellant(s)

Versus

Secretary, Urban Improvement Trust (UIT) ...Respondent(s)

O R D E R

Leave granted.

Heard the appellant, who has appeared in-person, and the learned counsel appearing on behalf of the respondent.

The appellant filed a complaint before the District Consumer Forum, Ajmer, [for short, 'the District Forum'] for awarding compensation on grounds, inter alia, that though a vacant plot was allotted to him for construction of house in a sanctioned scheme in the year 1986 but amenities like roads, drainage, electricity and water connection were not provided to him. The said petition was dismissed and the order of dismissal was confirmed in appeal by the State Consumer Disputes Redressal Commission [for short, 'the State Commission']. Against the said order, when the matter was taken to the National Consumer Disputes Redressal Commission [for short, 'the National Commission'], the matter has been remitted to the State Commission. Hence, this appeal by special leave.

....2/-

Undisputedly, the plot was allotted to the appellant in the year 1986 and possession was delivered to him in that very year after he paid the entire price therefor. Thereupon, after expiry of three years, a lease deed was executed in favour of the appellant in the year 1989. The appellant constructed the house in the year 1990. Undisputedly, the electricity connection was provided in the said locality in the year 1998 and water connection in the year 2000. So far as roads and drainage are concerned, the same were provided to the residents of the said locality in the year 2003.

From the aforesaid facts, it becomes clear that though allotment of the plot was made to the appellant, but no amenities, viz., electricity, roads, water supply and drainage were provided for a decade or even thereafter.

In the facts and circumstances of the case, we are of the view that the District Forum was not justified in dismissing the complaint and the State Commission has committed an error in affirming the same. In our view, the National Commission should not have remitted the matter but should have decided the revision application on merits. Ordinarily, we might have remitted the matter to the National Commission to dispose of the revision application on merits, but, as this case has a chequered history, we do not propose to adopt that course.

Having heard the appellant, who has appeared in-person and the learned counsel appearing on behalf of the respondent and taking into consideration the totality of circumstances, we feel that it will be just and expedient to award a sum of Rupees five lakhs to the appellant by way of compensation.

....3/-

Accordingly, the appeals are allowed, impugned orders are set aside, complaint filed by the appellant is allowed and the appellant is awarded compensation of Rupees five lakhs, which must be paid within a period of three months from today to him by Banker's cheque or Demand Draft in his favour upon a Scheduled Bank at Ajmer.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

New Delhi,
November 07, 2008.